

Workers Compensation (77 P.S. §1, *et seq.*)

Online at: <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=553004&mode=2>

Workers compensation coverage covers all types of injuries: physical, mental, loss of body parts and death. Exceptions to coverage are intentional self-inflicted injuries and violations of the law, such as illegal drug use. This is a highly regulated area with detailed rules, such as providing notice to an employer within 21 days of injury, but in no event, more than 120 days after injury. Workers compensation practice also includes the use of state approved forms for most all petitions. Forms can be found on the PA Department of Labor & Industry website at: <http://www.portal.state.pa.us/portal/server.pt/community/forms/10421>

Every employer in Pennsylvania is required to have workers compensation insurance. The employer is deemed to be statutorily liable for work-related injuries and must pay medical expenses as well as compensation at the rate of 2/3 of the employee's "average weekly wage", even in cases where the employee is found to be negligent.

In worker's compensation, an "injury" is defined as a loss of earning capacity. Thus, the relevant inquiries are: when can the employee return to work, with what restrictions, and whether there will be a loss of pay. It is very important to describe the injury correctly (type and severity), prognosis for recovery and when the injured employee can return to work, if at all.

An employee may be asked to attend several different examinations, such as an Independent Medical Exam (IME), an Impairment Rating Exam (IRE), and a Vocational Exam. An attorney is invaluable in navigating the many rules and regulations in Workers Compensation practice.

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